

LAW OFFICES

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December 4, 2019

## VIA ECF

Honorable Paul G. Gardephe  
United States District Judge  
Thurgood Marshall U.S. Courthouse  
40 Foley Square  
New York, NY 10007

## MEMO ENDORSED

The Application is granted.

## SO ORDERED:

*Paul G. Gardephe*  
Paul G. Gardephe, U.S.D.J.

Dated: Dec. 5, 2019

Dear Judge Gardephe:

We represent Mr. Avenatti. Trial is scheduled to commence on January 21, 2020. The deadline for Pretrial Submissions (motions *in limine*, proposed voir dire, and requests to charge) is Friday, December 6, 2019. (Dkt. No. 67). We write to request an adjournment of two (2) business days, until Tuesday, December 10, 2019, for such submissions, and until December 24, 2019, for responsive papers. The government advises that it does not object to this request.

As the Court is aware, the government filed a Superseding Indictment on Wednesday, November 13, 2019, adding a new count (Count Three) charging “honest services” wire fraud. (Dkt. No. 72). By November 15, 2019 (within two days), we had filed a motion to dismiss that charge with an accompanying memorandum of law. (Dkt. Nos. 74-75). The government filed a memorandum in opposition on Friday, November 22, 2019 (Dkt. No. 79), and we filed a reply (Dkt. No. 80) less than one business day later.

We have been diligent in preparing our Pretrial Submissions to provide the government with ample time to respond. On November 15, 2019 – three weeks before the deadline for Pretrial Submissions – we filed a motion for a written juror questionnaire with an accompanying memorandum of law. (Dkt. Nos. 76-78). On November 27, 2019 – five days after receiving the government’s expert witness disclosure and nine days before the deadline for Pretrial Submissions – we filed a motion *in limine* and a memorandum of law. (Dkt. No. 81-82).

We hope to file the remainder of our Pretrial Submissions by Friday, December 6, 2019. However, in an abundance of caution, we request two (2) additional business days, until Tuesday, December 10, 2019, with responsive papers due by December 24, 2019.

Thank you for your consideration.

Respectfully,

Scott A. Srebnick  
Jose M. Quinon